



PATENT
Attorney Docket No. 71538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Fitzgibbon et al.**

Confirmation No.: **2849**

Appln. No. **09/387,659**

CERTIFICATE OF MAILING

Filed: **August 31, 1999**

Title: **GARAGE DOOR OPERATOR
SAFETY EQUIPMENT**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this date.

Group

Art Unit: **2837**

10/23/03
Date

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER

Sir:

The instant Appln. No. 09/387,659 is a continuation of Appln. No. 09/156,064, issued as U.S. Patent No. 5,998,950 on December 7, 1999. Claims 15-18 pending in the instant application were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-22 of U.S. Patent 5,998,950. This Terminal Disclaimer is filed to obviate the obviousness-type double patenting rejection.

1) **PERSON MAKING THIS DISCLAIMER**

I, Kenneth H. Samples, represent that I am the attorney of record for this invention.

2) **IDENTITY OF ASSIGNEE/RECORDAL OF ASSIGNMENT IN PTO/
EXTENT OF INTEREST IN INVENTION**

THE CHAMBERLAIN GROUP, INC., through its attorneys, represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 5,998,950, and is owner of the above-identified Appln. No. 09/387,659, by reason of its ownership of the parent U.S. Patent No. 5,998,950.

3) **DISCLAIMER**

U.S. Appln. No. 09/387,659 is the subject of a Terminal Disclaimer to the full statutory term of U.S. Patent No. 5,998,950. The Chamberlain Group, Inc. hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified Appln.

No.09/387,659, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,998,950 and hereby agrees that any patent so granted on said application shall be enforceable only for and during such period that the legal title thereto shall be the same as the legal title to U.S. Patent No. 5,998,950.

The Chamberlain Group, Inc. does not disclaim the terminal part of any patent granted on the above-identified application, Appln. No. 09/387,659, which would extend beyond the expiration date as defined in 35 U.S.C. §§154 to 156 and §173 of U.S. Patent No. 5,998,950 in the event that such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole under 35 U.S.C. § 253 and 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, or, except for the separation of legal title stated above, is otherwise terminated prior to the expiration of its full statutory term.

This Terminal Disclaimer shall not be applied or construed in any way to apply or relate to any patent granted on any continuing application which is entitled, under 35 U.S.C. §120, to the benefit of the filing date of Appln. No. 09/387,659 or to any patent owned by or under the control of The Chamberlain Group, Inc. other than a patent granted on Appln. No. 09/387,659.

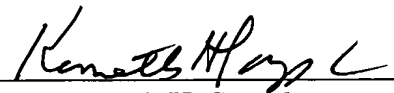
4) **BINDING ON SUCCESSORS AND ASSIGNS**

This agreement runs with the patent granted on the above-identified application, Appln. No. 09/387,659, and is binding upon The Chamberlain Group, Inc., its successors or assigns.

5) **FEE**

Please charge \$110.00, the Terminal Disclaimer fee, under 37 C.F.R. §1.20(d), to Deposit Account No. 06-1135. (*Transaction No. 12217*).

THE CHAMBERLAIN GROUP, INC.

By: 
Kenneth H. Samples
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Date: 10/23/03

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